IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

NORMAN TODD,)	
Plaintiff,))	
vs.) CA	SE NUMBER 2:07-CV-149-MEF
CITY OF CLANTON, ALABAMA, a)	
municipal corporation; by and through) JUI	RY TRIAL DEMANDED
its MAYOR, HONORABLE BILLY)	
JOE DRIVER , in his official capacity as)	
Mayor and individually; POLICE CHIEF)	
JAMES HENDERSON, in his official)	
capacity, as well as individually;)	
CORPORAL GREG CHARLES , in his)	
official capacity and individually; and)	
CHRISTINE LITTLEJOHN, an)	
individual,)	
)	
Defendants.)	

DEFENDANTS' EVIDENTIARY SUBMISSION IN SUPPORT OF THEIR MOTION TO DISMISS

Come now the City of Clanton, Alabama, a municipal corporation, ("the City"), Mayor Billy Joe Driver, Police Chief James Henderson and Greg Charles o file this, Evidentiary Submission in Support their Motion to Dismiss, and submit the following:

- 1. The defendants file herewith the January 10, 2005 Police Report, attached hereto as Exhibit 1 hereof.
- 2. The defendants file herewith the plaintiff's Notice of Claim, attached hereto as Exhibit 2 hereof.

/s/ James W. Porter II

James W. Porter II, one of the Attorneys for Defendants, City of Clanton, Mayor Billy Joe Driver, James Henderson, and Greg Charles State Bar ID ASB 3314 T79J State Code POR001

/s/ Natalie A. Daugherty

Natalie A. Daugherty, one of the Attorneys for Defendants, City of Clanton, Mayor Billy Joe Driver, James Henderson, and Greg Charles State Bar ID ASB 3314 T79J State Code POR001

OF COUNSEL:

PORTER, PORTER & HASSINGER, P.C. P.O. Box 128 Birmingham, Alabama 35201-0128 (205) 322-1744 Fax: (205) 322-1750

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been *electronically filed* with the Clerk of the Court using the CM/ECF system which will send notification of such filing upon the following, this the <u>16th</u> day of <u>March</u>, 2007. If Notice of Electronic Filing indicates that Notice should be delivered by other means to any of the following, I certify that a copy will be sent via U.S. Mail, properly addressed, postage prepaid.

Donald G. Madison, Esq. 418 Scott Street Montgomery, AL 36104

<u>/s/ James W. Porter II</u>
OF COUNSEL

EXHIBIT 1

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CHRISTY Little John

133 RANDALL Circle

Charlow, Ala 35045

Phone # 1205/755-8542

Delra allison

(205) 280-1847 K (205) 294-1690 Cell

EXHIBIT 2

STATE OF ALABAMA :: COUNTY OF CHILTON)

VERIFIED STATEMENT OF CLAIM OF NORMAN TODD AGAINST THE CITY OF CLANTON

BEFORE ME, the undersigned, a Notary Public in and for said County and State, personally appeared Norman Todd, who first after being duly sworn by me, upon his oath did depose and say as follows:

"My name is Norman Todd. I currently reside at 33 North Forty Road, Alexander City, Alabama.

At the time of the matters hereinafter complained of, I was residing at 550 Ashley Court, Clanton, Alabama, which was one of the roads in a mobile home park known as Ashley Court Trailer Park. I was occupying a mobile home at said street address pursuant to a lease agreement entered into by and between myself and a Ms. Christine Thomas, who was then the owner of Ashley Court.

Subsequent to the entry into said lease agreement by myself and Ms. Christine Thomas, apparently a group known as Tasco, LLC became the owners of said Ashley Court Trailer Park and/or were the managers of said trailer park. A Ms. Debra Allison was the manager for Tasco, LLC.

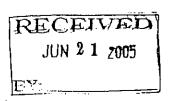
On or about Sunday, January 16, 2005, I spoke with a friend, Ms. Christie Littlejohn. She advised that she had entered my residence at 550 Ashley Court in Clanton, Alabama, and had removed some items. She advised that she gained entry into my mobile home through a police officer of the Clanton Police Department aiding her, whose name was Corporal Greg Charles. Ms. Littlejohn and Mr. Charles requested the manager, Debra Allison, open my mobile home to allow

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Ms. Littlejohn into the trailer. After I learned of the entry into my mobile home, I went to my mobile home on the evening of January 16, 2005, with Michelle and James Mullis. It appeared as though the mobile home had been ransacked. Additionally, I had a shoe box on the kitchen counter which contained an assortment of items in it including three (3) sets of keys and two (2) rings valued at approximately twelve hundred (\$1,200.00) dollars. The items and contents of the box were removed to the bedroom and dumped on the bed. I found two (2) of the three (3) sets of keys on the coffee table in the living room but one set was missing which contained an extra set of keys to my mobile home doors. The door to the middle bedroom had been removed from its hinges and the back door had been left unlocked. Drawers and cabinets had been pulled out and plundered through. Items were taken out of the back bedroom and drug out into the hallway. While I do not know for a fact that the rings were taken by either Greg Charles nor Christie Littlejohn, I have not been able to find said rings since the two (2) of them entered my mobile home without my permission.

Additionally, on January 18, 2005, after this illegal entry was made into my mobile home, I was advised that a warrant for my arrest had been signed by Ms. Littlejohn for unauthorized use of a motor vehicle on January 10, 2005. I turned myself in, signed my bond and was released. I believe that this prosecution was aided by Mr. Charles and/or the magistrate for the City of Clanton. who allowed the warrant to be issued. My court date was February 22, 2005. The charges were dropped against me as I had been paying for the vehicle and there was no probable cause to justify the arrest in the first place.

I claim damages against the City of Clanton by reason of their police officer acting under color of the law, using his position as a police officer with the City of Clanton, individually and in his official capacity, in gaining entry into my mobile home through Ms. Debra Allison, the manager



of the mobile home park. Mr. Charles and the City of Clanton, by and through Mr. Charles. trespassed against my property; acted negligently in plundering the contents of my mobile home which resulted in the loss of my two (2) rings; performed an illegal search and seizure of my residence which was not substantiated by probable cause and was a warrantless search of the same thereby violating my Fourth, Fifth and Fourteenth Amendment rights; conspired to violate my Fourth, Fifth and Fourteenth Amendment rights in order to gain access to my mobile home under a wairantless search; thereafter, falsely and maliciously prosecuting me for an offense without probable cause; and abused the legal process, or conspired to abuse the legal process, by swearing out charge against me which were frivolous and false. I suffered damages as a result in that my mobile home was ransacked and placed in disarray; I have not been able to locate two (2) rings valued at approximately twelve hundred (\$1,200.00) dollars; as well as the fact that my constitutional rights were violated.

This claim is filed pursuant to Section 11-47-192, Code of Alabama, 1975, and represents notice of a claim filed against the City of Clanton."

Further, Affiant saith not.

NORMAN TODD

Affiant

SWORN TO and SUBSCRIBED before me on this the 16th day of June, 2005.

My Commission Expires:

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